

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jul 27, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Russell Paul Nickerson Case Number: 0980 2:19CR00191-WFN-1
 Address of Offender: , Washington 99208
 Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U.S. District Judge
 Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge
 Date of Original Sentence: June 16, 2020
 Original Offense: Possession of Counterfeit Currency, 18 U.S.C. § 472
 Original Sentence: Probation - 60 months Type of Supervision: Supervised Release
 Revocation Sentence: Prison - 10 months
 (August 21, 2020) TSR - 36 months
 Asst. U.S. Attorney: James Goeke Date Supervision Commenced: April 14, 2021
 Defense Attorney: Roger Peven Date Supervision Expires: April 13, 2024

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Special Condition # 6:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u> It is alleged that Mr. Nickerson violated the terms of his supervised release by consuming controlled substances, heroin and methamphetamine, on or about July 14, 2021.</p> <p>On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed. The conditions of supervision were reviewed with him. He signed his judgment acknowledging an understanding of the conditions imposed by the Court, to include the above-noted special condition number 6.</p> <p>On July 15, 2021, Mr. Nickerson reported to the U.S. Probation Office and was directed to submit to urinalysis testing. Mr. Nickerson was found to have a device commonly used to</p>

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defeat urinalysis testing located on his person, a thin blue tube connected to another tube, which Mr. Nickerson reported was located inside his rectum.

He later admitted to the use of heroin and methamphetamine and signed a drug use admission form indicating he used these substances on July 14, 2021.

- 2 **Standard Condition # 13:** You must follow the instructions of the probation officer related to the conditions of supervision.

Supporting Evidence: It is alleged that Mr. Nickerson violated the terms of his supervised release by using a device in an effort to defeat or falsify a urinalysis test on or about July 15, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed. The conditions of supervision were reviewed with him. He signed his judgment acknowledging an understanding of the conditions imposed by the Court, to include the above-noted standard condition number 13. That same day the substance abuse testing instructions were reviewed with Mr. Nickerson, which he subsequently signed. Number 16 of the testing instructions noted the following: you shall not use any product or device of any kind that is used to defeat or falsify a urinalysis test.

On July 15, 2021, Mr. Nickerson reported to the U.S. Probation Office and was directed to submit to urinalysis testing. Mr. Nickerson was found to have a device commonly used to defeat urinalysis testing located on his person, a thin blue tube connected to another tube, which Mr. Nickerson reported was located inside his rectum. He later admitted to the use of heroin and methamphetamine.

- 3 **Special Condition # 6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Nickerson violated the terms of his supervised release by consuming controlled substances, heroin and methamphetamine, on or about July 20, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed. The conditions of supervision were reviewed with him. He signed his judgment acknowledging an understanding of the conditions imposed by the Court, to include the above-noted special condition number 6.

On July 22, 2021, Mr. Nickerson reported to the U.S. Probation Office and was directed to submit to urinalysis testing. Mr. Nickerson tested presumptive positive for opiates and methamphetamine. He then admitted to the use of heroin and methamphetamine approximately 2 days prior and signed a drug use admission form.

- 4 **Special Condition # 6:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

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Supporting Evidence: It is alleged that Mr. Nickerson violated the terms of his supervised release by failing to appear for random urinalysis testing on or about July 19, 21, and 26, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed. The conditions of supervision were reviewed with him. He signed his judgment acknowledging an understanding of the conditions imposed by the Court, to include the above-noted special condition number 6.

On July 15, 2021, Mr. Nickerson appeared for his first Sobriety Treatment and Education Program (STEP) session and was placed on the color red for urinalysis testing through Pioneer Human Services (PHS). He was reminded to continue calling the drug testing line daily.

On July 19, 21, and 26, 2021, he failed to appear for urinalysis testing at PHS.

- 5 **Special Condition # 5:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: It is alleged that Mr. Nickerson violated the terms of his supervised release by failing to appear for substance abuse treatment on or about July 21, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed. The conditions of supervision were reviewed with him. He signed his judgment acknowledging an understanding of the conditions imposed by the Court, to include the above-noted special condition number 5.

Mr. Nickerson is enrolled in outpatient services at PHS and assigned to attend group sessions every Tuesday evening. On July 21, 2021, he failed to appear for his treatment group session.

- 6 **Standard Condition # 2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: It is alleged that Mr. Nickerson violated the terms of his supervised release by failing to report to the probation office as directed on or about July 26, 2021.

On April 14, 2021, supervision commenced in this matter. On April 21, 2021, a supervision intake was completed. The conditions of supervision were reviewed with him. He signed his judgment acknowledging an understanding of the conditions imposed by the Court, to include the above-noted standard condition number 2.

On July 22, 2021, Mr. Nickerson was directed to report to the U.S. Probation Office in Spokane, Washington, on July 26, 2021, at 10 a.m.. Mr. Nickerson failed to report to the probation office as directed on July 26, 2021.

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The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/27/2021

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

July 27, 2021

Date